

Before the  
Federal Communications Commission  
Washington, D.C. 20554

Metrocall, Inc.,	)	
	)	
Complainant,	)	
	)	
v.	)	<b>File No. EB-01-MD-008</b>
	)	
Concord Telephone Co.,	)	
	)	
Defendant.	)	

**ORDER**

**Adopted:** June 6, 2002

**Released:** June 10, 2002

By the Deputy Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 6, 2001, Metrocall, Inc. (“Metrocall”) filed a formal complaint against Concord Telephone Co. (“CTC”) alleging that CTC violated section 201(b) of the Communications Act of 1934, as amended, and section 51.703(b) of the Commission’s rules by: 1) charging Metrocall recurring fees solely for the use of direct inward dial (“DID”) numbers; and 2) charging Metrocall fees for DID facilities used to transport CTC-originated traffic from CTC’s network to Metrocall’s network. On February 2, 2002, the Enforcement Bureau (“Bureau”) released a Memorandum Opinion and Order (“MO&O”), granting in part and denying in part Metrocall’s complaint.<sup>1</sup> On March 11, 2002, CTC filed an application for review of the MO&O. The Bureau then granted several joint motions for extension of time for Metrocall to file an opposition to CTC’s application for review, and to file a supplemental complaint for damages.<sup>2</sup>

2. On May 30, 2002, the parties filed a Joint Motion To Dismiss With Prejudice, in which they request that the Commission dismiss with prejudice Metrocall’s formal complaint and CTC’s pending application for review because the parties have reached a full and complete settlement of the dispute at issue. We are satisfied that dismissing this complaint and the related application for review will serve the public interest by promoting the private resolution of disputes and by eliminating the need for further litigation and the expenditure of further time and resources of the parties and of this Commission.

---

<sup>1</sup> *Metrocall, Inc. v. Concord Telephone Co.*, Memorandum Opinion and Order, DA 02-301 (EB Feb. 8, 2002).

<sup>2</sup> *See e.g., Metrocall, Inc. v. Concord Telephone Co.*, Order, DA 02-1136 (EB May 14, 2002).

3. Accordingly, IT IS ORDERED, pursuant to sections 1, 4(i), 4(j), 201(b), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 151, 154(i), 154(j), 201(b), and 208, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that Metrocall and CTC's Motion To Dismiss With Prejudice IS GRANTED.

4. IT IS FURTHER ORDERED that this proceeding is TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Radhika V. Karmarkar  
Deputy Chief, Market Disputes Resolution Division  
Enforcement Bureau